in the HIGH COURT OF UTTARANCHAL
AT NAINITAL

Criminal Misc. Application No. 185 of 2006

Abdul Salam
S/o Abdul Hamid
R/o Bara Stambh Barar,
Police Station – Jokihat
District – Arhia,
Bihar ...Applicant

Versus

1. State of Uttaranchal
2. District and Session Judge Haridwar
   District – Haridwar ....Respondents

Sri Parikshit Saini, learned counsel for the applicant
Sri Sohail Ahmed Siddique, learned A.G.A. for the State

Hon'ble J. C. S. Rawat, J.

The accused was challened u/s 302 I.P.C. and F.I.R. was lodged to that effect. The applicant was released on bail by the learned Sessions Judge. The bail was granted on the condition that the applicant shall be released on furnishing a personal bond of Rs. 1 lac and two local sureties to the satisfaction of the Magistrate concerned.

Learned counsel for the applicant feeling aggrieved by the order of the furnishing of the local sureties filed this petition u/s 482 Cr.P.C. before this court.

Learned counsel for the applicant contended that the applicant belongs to the State of Bihar and he is permanent resident of Bihar and he has no relation at Haridwar as such he cannot furnish the local sureties. It was also contended by the learned counsel for the applicant that the applicant is a labour. Learned counsel for the applicant contended that the condition imposed by the learned trial court is unjust and improper.

It would be just and proper if the following conditions are made and the condition as imposed by the trial court are modified to the extent as under:-

1. The applicant shall furnish the sureties verified from the S.D.M. from where the sureties resides. The learned Magistrate will also send these verification to the State officers of Bihar and will get verified it and thereafter the applicant will be released on bail.
2. The applicant shall not leave Haridwar and he shall give undertaking before the Magistrate concerned that he will furnish his local address to the court as well as to the police.
3. The applicant shall also report to the police station fortnightly.
4. The applicant as and when changes his address, he shall intimate it to the court.

Any violation of any of the condition indicated above, the bail shall stand cancelled.

The order is modified as above.

In view of the above, the application is disposed of accordingly.

(J. C. S. Rawat, J.)

12th April, 2006
Shiv